

**Copyright Royalty Judges  
Washington, D.C.**

**Distribution of Cable Royalty Funds**

**Docket No. 16-CRB-0009 CD  
(2014-2017)**

**Immediate Breach reply to Joint Opposition Allocation Phase Parties False  
Statements and Sham Pleadings Sua Sponte Coercive Relief Damages Granted**

Pursant to section 119, Circle God Network Inc. (members) d/b/a David Powell Full and Literal Proof credible rebut corroborating evidence matter of record Proved Up. Pro se controverted Bursting Bubble Theory ultimate facts. That knowingly 9-25-19 Joint Opposition Participants swindlers actual and intrinsic fraud and fraud on the court. Including Officers of the Court complicity w/ Joint Opposition Participants Mail and Wire Fraud internet ecrb.gov. aid and abet. Knowingly to mislead Judges decision w/ malicious accusation and fraudulent misrepresentation matter of record.

The suppression and withholding evidence to exonerate Pro Se claims as timely. By interloper Royalty Judges connivance criminal coercion forbearance negative acts. Overlooking false statement made in 9-25-19 and 9-11-19 reply on record knowingly made to gain an economic advantage in distribution of royalty fund current and prior by Exclusion repeated pervasive racketeering pattern. Thru false language and introduction of fabricated evidence faint and sham pleadings repeated. Sham exception to harm any and all pro se claimants as myself. United Mine Workers vs Pennington, 381 U.S. 657, 85 S.Ct. 1585 (1965) Noerr Pennington Doctrine.

Thru, Cable, Satellite and DART Royalty distribution Exclusion repeated pattern Joint trespass negative (Pinkerton Rule ) acts. Bad motives cahoots aid and abet (RICO) chain seditious conspiracy 9-19-19 Judges Unreasonable ordered decision made while knowingly the opposition evidence was false, tainted , and untrue. Equitable and Judicial Estoppel cannot recant decision in detrimental reliance for fraud on the court against Pro Se. That of Active, Fraudulent, and Passive Concealment necessary implication Principle in the First Degree criminal intent chilling effects. Immediate Breach intimidation force and retaliatory repeated blacklisted and blackballed conduct Theft by deception under false pretext Proved Up proof (trial) within matter of record. Nondisclosure.

Legal prejudice shown exclusion retaliatory anti competitive conduct tactics. A standing and third party standing a legal claim w/ judicial enforcement from administrative Agency Royalty Judges sought to be protected. A actual specific injury within the Zone of Interest challenged and showed causation existed. Pro Se claimants contradicts 9-25-19 and 9-11-19 reply's again. As malice delibert vexatious w/o cause Monopoly Power and Leverage intimidation vexation pattern of retaliatory conduct inescapable peril. Missing Evidence Rule and Physical facts Rule Affidavit counterclaim 28 USCA ss.1746 Declartion in Chief rebutted by Pro se claimant . A reversible error objection motion now made to vacate 9-19-19 decision ordered Countermand. Affirmative misconduct accomplice liability before, during and after distribution proceedings Pro Se claimant in the Zone of Danger a coercive relief motion w/ clarity and not in coherent requested.

Joint opposition lacks of legally sufficient evidentry basis for fact finder Judges to rule in their Parties favor. Based on grounds Crime Fraud Exception of Wire oral and electronic internet ecrb.gov. Interception Communication 18 USCA chapter 119 Section 2510-2525. Clark vs U.S. I, 53 S. CT. 465 (1933). Pro Se prove up w/ clarity how, why, and on basis legal prejudice. Pro Se demands of Oyer to inspect and read documents offer of opposition proof. To produce in court all documents relied on in sham pleadings profert exigent before royalty distribution. Enforcement of the Communication Assistance for Law Enforcement act section 2522 Injunction against illegal interception. Then grant ordered recovery of civil damaged authorization \$ 2 billion dollars section 2520 Coercive Relief.

Respectfully submitted,

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Respectfully submitted,

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## PROOF OF DELIVERY

I hereby certify that on September 26, 2019, I provided a true and correct copy of this motion sua sponte to Joint opposition and to the following:

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com

Devotional Claimants, represented by Arnold P Lutzker, served via Electronic Service at arnie@lutzker.com

Broadcast Music, Inc., represented by Jennifer T. Criss, served via Electronic Service at jennifer.criss@dbr.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via Electronic Service at scott@oandzlaw.com

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via Electronic Service at smosenkis@ascap.com

Broadcaster Claimants Group, represented by John Stewart, served via Electronic Service at jstewart@crowell.com

Program Suppliers, represented by Gregory O Olaniran, served via Electronic Service at goo@msk.com

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Joint Sports Claimants, represented by Robert A Garrett, served via Electronic Service at robert.garrett@apks.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

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Signed: /s/ David Powell, Pro se



**Copyright Royalty Judges  
Washington, D.C.**

**Distribution of Cable Royalty Funds**

**Dkt. No. 16-CRB-0009 CD(2014-2017)**

**(PROPOSED ORDER) MONEY JUDGMENT POST-ANSWER DEFAULT GRANTED  
JUDGMENT CLAIMED FOR COERCIVE RELIEF DAMAGES SOUGHT SUA SPONTE  
AND ADDED TO ALL REPAYMENT AGREEMENT(S) PERMANENTLY W/REHEARING  
RECONSIDERATION MOTION**

On Sept. 11, 2019 motion and 9-25-19 Joint opposition allocation phase parties reply. To Pro Se now 9-26-19 reply to 9-25-19 immediate breach false statements faint pleader. A sham pleading exception distribution pattern exclusion sua sponte coercive relief damages granted for legal prejudice. For a timely filings comment before deadlines Agreeing yes to all partial distribution and added to repayment agreement as a matter of record.

9-25-19 joint opposition sham pleading, pro se credible evidence (on cable and satellite list for 2014-2017) proved up. Joint opposition lacks of legal evidentry basis a sham exception no physical proof offered for judges to rule in their favor as untimely. Immediate fraud on the court crime fraud exception specific injury in fact. Pro se submission to a special findings of ultimate facts proved up. Baseless, w/o merit, and moot exclusion no to add CGN Inc. d/b/a David Powell repayment agreement as participant designated recipient participant agent. Causation exist now for reconsideration and rehearing w/ the right to exercise right to appeal if denied w/i 30 days.



\_\_\_\_\_ **GRANTED** add CGN Inc. d/b/a David Powell to repayment agreement permanently to allocation phase w/ 5% distribution.

\_\_\_\_\_ **GRANTED** add CGN Inc. d/b/a David Powell to repayment agreement permanently to distribution phase (formally known as phase 2) w/ 5% distribution.

\_\_\_\_\_ **GRANTED** 5% Royalty distribution for 2016, 2017 cable royalty funds exigent.

\_\_\_\_\_ **GRANTED** 5% Royalty distribution in arrears from 2002-2013 exigent.

\_\_\_\_\_ **GRANTED** Coercive relief damages immediate breach \$ 2 billion dollars sua sponte.

\_\_\_\_\_ **GRANTED** \$ 2 BILLION Dollars Recovery Of Civil Damages.

\_\_\_\_\_ **GRANTED** \$ 2 BILLION DOLLARS RECOVERY OF CIVIL DAMAGES

AUTHORIZATION SECTION 2520 OF 18 USCA CHAPTER 119 SUA SPONTE.

\_\_\_\_\_ **GRANTED** Injunction Against Illegal Interception section 2522 of 18 USCA chapter 119 sua sponte.

\_\_\_\_\_ **GRANTED** add CGN Inc. d/b/a David Powell to repayment agreement DART music claimants (MWF) as 5<sup>th</sup> designated recipient agent participant for claimants w/ 5% royalty distribution.

\_\_\_\_\_ **GRANTED** add CGN Inc. d/b/a David Powell to repayment agreement DART as 2<sup>nd</sup> designated recipient agent participant for claimants 5% Royalty distribution.

Having considered the motion and all papers submitted to support or in opposition to the motion, the Judges **GRANTED** the motion and hereby **GRANTED** all motion(s) w/ treble and punitive damages sought by Circle God Network Inc. d/b/a David Powell sua sponte for immediate breach **Post- Answer Default.**

**So ordered**

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\_\_\_\_\_

Jesse M. Feder

Chief Copyright Royalty

Judge

Dated: \_\_\_\_\_

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC

*In re*

DISTRIBUTION OF  
CABLE ROYALTY FUNDS

NO. 16-CRB-0009-CD (2014-17)

**JOINT OPPOSITION OF THE ALLOCATION PHASE PARTIES  
TO DAVID POWELL'S SEPTEMBER 11, 2019 MOTION**

The undersigned representatives of the Allocation Phase claimant categories to which Section 111 cable royalties have been allocated in prior distribution proceedings ("Allocation Phase Parties") submit the following opposition to the "Verified Motion to be sent Royalty Repayment Agreement w/ name added to agreement blank form as a designated agent recipient claimant sua sponte," (the "Motion") filed by *pro se* claimant David Powell on September 11, 2019.

As an initial matter, to the extent that the Motion opposes the partial distribution of the 2017 cable royalty funds, it is untimely; the comment period for this partial distribution ended on May 10, 2019. *See* Distribution of Cable Royalty Funds, 84 Fed. Reg. 14420 (April 10, 2019). In addition, the Motion does not make a coherent request for relief. But what is clear is that the Motion presents no basis for revisiting the Judges' prior approval of the partial distribution of the 2017 royalty funds to the Allocation Parties. *See Order Granting Motion for Partial Distribution*, Docket No. 16-CRB-0009-CD (2014-17) (May 22, 2019); *Order Denying Powell Motion to be Added to Repayment Agreement*, Docket No. 16-CRB-0010-SD (2014-17) (Sept. 19, 2019). Accordingly, the Motion should be denied.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of September, 2019, a copy of the foregoing Joint Opposition of the Allocation Phase Claimants to David Powell's September 11, 2019 Motion was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel of record who are registered to use eCRB. *See* 37 C.F.R. § 303.6(h)(1).

/s/ Michael Kientzle

\_\_\_\_\_  
Michael Kientzle



## Proof of Delivery

I hereby certify that on Wednesday, September 25, 2019, I provided a true and correct copy of the Joint Opposition of the Allocation Phase Parties to David Powell's September 11, 2019 Motion to the following:

ASCAP, represented by Sam Mosenkis, served via Electronic Service at smosenkis@ascap.com

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National Public Radio, represented by Gregory A Lewis, served via Electronic Service at glewis@npr.org

SESAC, Inc., represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com

Commercial Television Claimants / National Association of Broadcasters, represented by John Stewart, served via Electronic Service at jstewart@crowell.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Program Suppliers, represented by Gregory O Olaniran, served via Electronic Service at goo@msk.com

Public Television Claimants, represented by Ronald G. Dove Jr., served via Electronic Service at rdove@cov.com

Devotional Claimants, represented by Arnold P Lutzker, served via Electronic Service at arnie@lutzker.com

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Signed: /s/ Michael E Kientzle

# Proof of Delivery

I hereby certify that on Friday, September 27, 2019, I provided a true and correct copy of the IMMEDIATE BREACH REPLY TO JOINT OPPOSITION ALLOCATION PHASE PARTIES FALSE STATEMENTS AND SHAM PLEADINGS SUA SPONTE COERCIVE RELIEF DAMAGES GRANTED to the following:

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Signed: /s/ david powell